

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed August 9, 2005 (the "Office Action"). The Office Action rejects Claims 37-46, 85-94 and 108-117. Applicants amend Claims 37, 85, 108 and 113 and cancel Claims 41 and 89. Applicants respectfully request reconsideration and favorable action in this case.

Examiner Interview

Applicants' attorney, Mr. Chad C. Walters, conducted a telephonic interview with Examiner Ferris on October 6, 2005. Pursuant to M.P.E.P. § 713.04, Applicants submit this summary of the telephonic interview to record Applicants' understanding of the substance of the interview. If Applicants' understanding is inaccurate, notice of such is appreciated. Attorneys for Applicants thank the Examiner for the courtesy of his telephonic interview. During the interview, the patentability of various claims were discussed with respect to the cited references used in the rejections, and Examiner Ferris agreed that the cited references failed to disclose, teach or suggest each element of Claim 41. Examiner Ferris indicated that Claim 41 was allowable.

In light of the Examiner's statements during the Examiner Interview, Applicants have amended Claim 37 to recite "collecting operational data in the normal operating state and transitioning back to the learning state in response to determining the operational data is outside the predefined parameters" from original Claim 41, which the Examiner indicated was allowable. Applicants have made similar amendments to Claims 85, 108 and 113. For at least these reasons, Applicants respectfully request allowance of Claims 37, 85, 108 and 113.

Claims 38-40, 42-46 and 109-112 each depends from Claim 37 and therefore includes each of the elements of Claim 37. Applicants thus respectfully request that the rejections of Claims 38-40, 42-46 and 109-112 be withdrawn because, as discussed above, Claim 37 is patentable over the cited art used in the rejection.

Claims 86-88, 90-94 and 114-117 each depends from Claim 85 and therefore includes each of the elements of Claim 85. Applicants thus respectfully request that the rejections of

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Claims 86-88, 90-94 and 114-117 be withdrawn because, as discussed above, Claim 85 is patentable over the cited art used in the rejection.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Chad C. Walters
Reg. No. 48,022

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CORRESPONDENCE ADDRESS:

Customer Number: **05073**